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Security Council Committee established pursuant to resolution 1718 (2006)

Note verbale dated 25 January 2017 from the Permanent Mission of the Philippines to the United Nations addressed to the Chair of the Committee

The Permanent Mission of the Republic of the Philippines presents its compliments to the Chair of the Security Council Committee established pursuant to resolution 1718 (2006) and has the honour to convey the report of the Republic of the Philippines on the implementation of Security Council resolution 2270 (2016) (see annex).

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Annex to the note verbale dated 25 January 2017 from the Permanent Mission of the Philippines to the United Nations addressed to the Chair of the Committee

Report of the Philippines on the implementation of Security Council resolution 2270 (2016)

I. Constitutional framework

The Philippine Constitution states that the Philippines "renounces war as an instrument of national policy, ... and adheres to the policy of peace, equality, justice, freedom, cooperation, and amity with all nations."

Pursuant to this, the Philippines is committed to fulfilling its responsibilities to the international community by doing its share in controlling the spread of weapons of mass destruction (WMD) and in implementing relevant United Nations Security Council resolutions.

The Philippines in particular seeks to implement United Nations Security Council resolution 2270 (2016) and cooperate with the Security Council Committee with respect to its implementation.

II. Legislative and executive framework

A. On WMD and related materials

Section 2 of the Philippine Strategic Trade and Management Act (STMA), otherwise known as Republic Act No. 10697, states that the Philippines seeks to be "free from Weapons of Mass Destruction (WMD) in its territory, consistent with the national interest, to fulfil its international commitments and obligations, including United Nations Security Council Resolution (UNSCR) 1540, to take and enforce effective measures to establish domestic controls to prevent the proliferation of WMDs and their means of delivery; and to maintain international peace and security, and promote economic growth by facilitating trade and investment through the responsible management of strategic goods and the provision of related services."

The Philippines, through the Office of the Special Envoy on Transnational Crime (OSETC), has provided multiple trainings since 2013 to front-line officers of enforcement agencies so as to build capacity in WMD-commodity identification.

For the proper monitoring and surveillance of maritime vessels that enter or intrude into the Philippines area of responsibility, the Intelligence Group (IG) of the Bureau of Customs (BOC) is implementing the resolution for all the incoming and outgoing vessels within the Philippine area of responsibility.

B. Export control

Any person, prior to engaging in the export, import, re-export, reassignment, transit or trans-shipment, or the provision of related services and technical assistance (as defined in section 5 of the STMA), shall apply for an authorization

from the Strategic Trade Management Office (section 14). Moreover, an individual licence shall also be required in order to transfer these kinds of commodities, as stated in section 11 (a) and (b) of the STMA.

Section 4 of the STMA specifies a National Strategic Goods List (NSGL), which contains a specific description of strategic goods that are subject to authorization. The NSGL shall conform to international commitments and non-proliferation obligations, pursuant to bilateral and multilateral treaties, international conventions and international non-proliferation regimes.

C. Inspection of cargo within or transiting through Philippine territory

Under the Implementing Rules and Regulations of the Philippine Coast Guard Law of 2009, the Philippine Coast Guard, "in coordination with the Bureau of Customs shall seize, hold, or prevent entry and transport of cargoes within waters subject to the jurisdiction of the Philippines that are illegal and/or deemed a threat to the safety and security of life and property." The Implementing Rules and Regulations allow the Coast Guard to "conduct surveillance and inspection on all suspected persons, vessels and watercraft navigating within the waters subject to the jurisdiction of the Philippines, including offshore platforms or oil rigs, and enforce all applicable national and international maritime security laws and regulations, including but not limited to port state control implementation."

D. National agency in addressing maritime issues

Through Executive Order No. 57, series of 2011, the National Coast Watch Center of the Philippines functions as the body that coordinates relevant maritime information with appropriate implementing agencies in order to have a whole-of-government approach in addressing maritime issues.

E. Financial and economic sanctions

Rule 13.7.2 of the Revised Implementing Rules and Regulations of the Philippine Anti-Money Laundering Act (AMLA) of 2001 (Republic Act No. 9160), as amended, states that: "The Anti-Money Laundering Council (AMLC) is authorized under Section 7 (8) and 13 (b) and (d) of the AMLA to receive and take action in respect of any request of foreign states for assistance in their own anti-money laundering operations. It is also authorized under section 7 (7) of the AMLA to cooperate with the National Government and/or take appropriate action in respect of conventions, resolutions and other directives of the United Nations, the United Nations Security council, and other international organizations of which the Philippines is a member."

III. MV *JIN TENG* in 2016

In March 2016, the Department of Foreign Affairs was immediately notified that MV *JIN TENG*, a vessel listed in annex III of United Nations Security Council resolution 2270 (2016), had docked in Subic Bay Freeport, north-west of Manila. During its sail, the Philippine Bureau of Customs (BOC) strictly monitored the arrival of MV *JIN TENG* within the Philippine area of responsibility and once it had docked at the Subic Bay Port, Customs and Coast Guard officials strictly

implemented local laws by inspecting its cargo in relation to the Philippine commitment to non-proliferation of nuclear weapons and consequential economic sanctions. In line with the provisions of resolution 2270 (2016), the Philippine Government held the ship at Subic Bay Port.

The Department of Foreign Affairs and the National Coast Watch Center immediately convened several inter-agency meetings to discuss further actions to be taken on the ship, which included inspections by the country's customs and quarantine agencies as well as an asset freeze, during which time the Philippine Permanent Representative to the United Nations in New York was consistently in contact with the United Nations to update them about the matter.

The Philippine Government cooperated with the Security Council Committee established pursuant to resolution 1718 (2006) through the Philippine Permanent Mission in New York by meeting with the Chair of the Committee (Spain) as well as with the Panel of Experts to consult on the appropriate steps to take to address the situation, and update the Committee on developments on the ground.

The Philippine Government responded to the Committee's request for information, and submitted relevant documentation in relation to MV *JIN TENG*.

The Philippines released MV *JIN TENG* following the Committee's notice on 21 March 2016 that the vessel had been delisted together with 4 other vessels.